

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Aug 26, 2020**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michael Thomas Van Dyke Case Number: 0980 2:15CR00025-WFN-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 28, 2015

Original Offense: Travel with Intent to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2423(b)

Original Sentence: Prison - 36 months Type of Supervision: Supervised Release  
TSR - 120 monthsRevocation Sentence: Prison - 3 months  
10/30/2018 TSR - 120 monthsRevocation Sentence: Prison - 6 months  
02/24/2020 TSR - 120 months

Asst. U.S. Attorney: James Goeke Date Supervision Commenced: August 10, 2020

Defense Attorney: Federal Defender's Office Date Supervision Expires: August 9, 2030

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**PETITIONING THE COURT**

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To issue a **warrant**.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Standard Condition #13:</u></b> You must follow the instructions of the probation officer related to the conditions of supervision.</p> <p><b><u>Supporting Evidence:</u></b> Mr. Van Dyke is alleged to be in violation of his supervised release by failing to report to the residential re-entry center (RRC) on August 13, 2020, by 12 p.m., as instructed by a U.S. probation officer (USPO).</p> <p>On August 11, 2020, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Van Dyke, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.</p> <p>On August 11, 2020, the offender reported to the U.S. Probation Office to meet with USPO Hanson for an intake appointment. At that time, USPO Hanson instructed Mr. Van Dyke to report to the RRC by 12 p.m. on August 13, 2020, which was the bed date assigned to him by the Bureau of Prisons.</p>

Prob12C

**Re: Van Dyke, Michael Thomas**

**August 26, 2020**

**Page 2**

On August 13, 2020, shortly after 12 p.m., the undersigned officer received notification from the RRC that the offender failed to report as instructed.

- 2      **Special Condition #1:** You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment and religious services at the direction of the supervising officer. You must abide by the rules and requirements of the facility.

**Supporting Evidence:** On August 25, 2020, the undersigned officer received notification from the RRC that Michael Van Dyke violated the facility's rules and regulations by absconding from the facility, an alleged violation of special condition #1 of his supervised release.

On August 11, 2020, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Van Dyke, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 25, 2020, this officer was informed that the offender had absconded from the RRC facility. According to staff, Mr. Van Dyke stated that he was leaving because the facility "is not wheelchair accessible." Because the facility is ADA compliant, staff asked if he could explain his concerns further, to which the offender responded that he "wasn't going to explain himself."

Michael Van Dyke absconded from the RRC, and as of the writing of this report, his whereabouts are unknown.

- 3      **Standard Condition #5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at 10 days before the change.

**Supporting Evidence:** Mr. Van Dyke is alleged to have violated standard condition #5. Specifically, on August 25, 2020, Michael Van Dyke changed his living arrangements without requesting, nor receiving, prior authorization from the undersigned officer.

On August 11, 2020, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Van Dyke, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 25, 2020, the undersigned officer received notification that the offender had absconded from his currently approved residence, the RRC. The offender had not presented this officer with an alternative residence for consideration, and thus, was not authorized to relocate from the RRC.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegations contained in this petition.

Prob12C

**Re: Van Dyke, Michael Thomas**

**August 26, 2020**

**Page 3**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/26/2020

s/Amber M.K. Andrade

Amber M. K. Andrade  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

8/26/2020

Date